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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,673	01/27/2004	Steven K. Ma	SVL920030110US1	3028

47069 7590 12/16/2010

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ART UNIT	PAPER NUMBER
2172	

NOTIFICATION DATE	DELIVERY MODE
12/16/2010	ELECTRONIC

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/766,673
Filing Date: January 27, 2004
Appellant(s): MA, STEVEN K.

David Victor
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/30/10 appealing from the Office action mailed 7/12/10.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-3, 7-10, 31-34, 36-43 and 45-51 are pending and all have been finally rejected on 7/12/10.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

7216301	Moehrle	5/2007
6633312	Rochford	10/2003
7370281	Weber	5/2008

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 7-10, 31-34, 36-43 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moehrle, US Patent 7216301, and further in view of Rochford et al., US Patent 6633312, hereinafter Rochford.

As in Independent Claims 1, 31 and 40, Moehrle teaches a method for rendering a display of at a first and second data sets in a search panel (Fig. 4A, ref. 102), wherein each data set is associated with one or more file components (Fig. 4B, 10b-10d); receiving selection the displayed first data set name in the search panel (Col. 5, line 6) displaying names of the file components associated with the first selected data set in

the search panel (Col. 5, lines 8-9); receiving selection of at least one of the displayed file component names associated with the selected first data set (Fig. 4B, Selection of ref. 50); rendering the selected data set name and the selected at least one selected file component name in a history panel (Fig. 4C), wherein the selected data set name and selected at least one file component are displayed in a hierarchical tree arrangement (Fig. 4B to 4C and corresponding text) and wherein the history panel and search panel are rendered concurrently in a GUI (Fig. 5A-B) wherein the rendered selected first and second data set names (Fig. 5A-B, 1.0 1.2) and the selected file components (Fig. 5A-B, 1.2.3) in the history panel are rendered concurrently in the graphical user interface with the search panel (Fig. 5A-B, drop down panels) separately rendering the selected displayed file component names associated with the selected second data set name (Fig. 5A-B, drop down 1.2.1-1.2.6, ref. 50).

It can be seen from the teachings of Moehrle that during the normal course of operation the user may initiate another search by returning to a previous level and repeating the steps of opening a second data set and selecting a second file component from the second data set and display a hierarchical history of browsing in the panel (ie. top line).

However, Moehrle fails to explicitly teach rendering a history panel with the selected first and second data set names and selected file components associated with the selected first and second data set names are displayed together in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets as recited in Claim 1. Rochford teaches

a hierarchical file accessing system with history tracking with the history panel and search panel are rendered concurrently in the GUI (Fig. 2A and 8) similar to that of Moehrle. Rochford further teaches rendering a history panel with the selected first and second data set names and selected file components associated with the selected first and second data set names are displayed together in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets (Fig. 8 and corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Moehrle and Rochford before him at the time the invention was made, to modify the selection of a data set name and corresponding file component name for hierarchical display in a history panel taught by Moehrle to include the rendering a history panel simultaneously displaying the selected first and second data set names and associated selected file components of Rochford, in order to obtain selection of a first data set name and corresponding file component within the first data set, selection of a second data set name and corresponding file component within the second data set, rendering a history panel that displays the selected first and second data set names and selected file components associated with the selected first and second data set names together in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets. One would have been motivated to make such a combination because an ongoing history tracker useful for multiple searches would have been obtained, as taught by Rochford.

As in Claims 2, 32 and 41, Moehrle teaches the data set name is displayed as a parent at a higher hierarchical level (Fig. 4B, 10a) to the file components (Fig. 4B, 10b-10d) associated with the displayed data set name (Fig. 4B, 101), wherein the file components are rendered as children in the history panel of the data set with which they are associated ("menu item 1.0 is the parent of menu items 1.1, 1.2, 1.3 and 1.4", Col. 3, lines 22-23). Rochford further teaches rendering a history panel with the selected first and second data set names and selected file components associated with the selected first and second data set names are displayed together in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets (Fig. 8 and corresponding text). Moehrle and Rochford have been combined for this reason as seen in the rejection of Claim 1.

As in Claims 3, 33 and 42, Moehrle teaches receiving one search qualifier (Fig. 7C); transmitting a request for data set names that satisfy the received at least one search qualifier (1.2.3.x), wherein the displayed data set names comprise data set names returned in response to the transmitted request whose name satisfies the at least one search qualifier (Col. 8, lines 36-39).

As in Claims 4, 34 and 43, Moehrle teaches transmitting a request for file component names of the selected data set name, wherein the displayed file component names comprise file component names returned in response to the transmitted request for file component names (Col. 9, lines 16-20).

As in Claims 7, 36 and 44, Moehrle and Rochford teach the steps of selection of a first data set name and corresponding file component within the first data set,

selection of a second data set name and corresponding file component within the second data set, rendering a history panel that displays the selected first and second data set names and selected file components associated with the selected first and second data set names together in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets (See Claim 1 rejected supra). While Moehrle and Rochford teaches selection of a first data set name and corresponding file component within the first data set, selection of a second data set name and corresponding file component within the second data set, rendering a history panel that displays the selected first and second data set names and selected file components associated with the selected first and second data set names together in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets, they fail to show the source code files in different programming languages as recited in the claims. In the same field of the invention, Weber teaches a file accessing program similar to that of Moehrle and Rochford. In addition, Weber further teaches multilanguage documents of source code that can be accessed and edited (Col. 2, lines 5 et seq.). It would have been obvious to one of ordinary skill in the art, having the teachings of Moehrle and Rochford and Weber before him at the time the invention was made, to modify the selection of two data set names and two corresponding file component names for hierarchical display in a history panel taught by Moehrle and Rochford to include the multilanguage documents of source code that can be accessed and edited of Weber, in order to obtain selection of a two data set names and two corresponding file component

names for hierarchical display in a history panel the corresponding file components comprising source code documents of different languages. One would have been motivated to make such a combination because a unified interface for source code editing would have been obtained, as taught by Weber.

As in Claims 8, 37 and 46, Moehrle teaches receiving user action with respect to one selected data set name or file component name displayed in the history panel, wherein the action specifies an operation to perform with respect to the selected data set name or file component (when the user selects a level it creates a tab for that level as seen in Fig. 5D).

As in Claim 9, 38 and 47, Moehrle teaches the operation is deleting the selected data set or file component (Fig. 5D, 5E deletes previously selected 1.2.3.4).

As in Claims 10, 39 and 48, Moehrle and Rochford teach displaying content of the selected file component in a panel (Fig. 5D bottom panel) displayed with the history panel (top line) and the steps of selection of a first data set name and corresponding file component within the first data set, selection of a second data set name and corresponding file component within the second data set, rendering a history panel that displays the selected first and second data set names and selected file components associated with the selected first and second data set names together in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets (See Claim 1 rejected supra). While Moehrle and Rochford teaches selection of two data set names and two corresponding file component names for hierarchical display in a history panel, displaying content of

the selected file component in a panel displayed with the history panel and suggests and editing interface for the files (Fig. 6A) they fail to show the editing of the displayed content as recited in the claims. In the same field of the invention, Weber teaches a file accessing program similar to that of Moehrle and Rochford. In addition, Weber further teaches editing of the displayed content (Fig. 2, ref. 4). It would have been obvious to one of ordinary skill in the art, having the teachings of Moehrle and Rochford and Weber before him at the time the invention was made, to modify the selection of a first data set name and corresponding file component within the first data set, selection of a second data set name and corresponding file component within the second data set, rendering a history panel that displays the selected first and second data set names and selected file components associated with the selected first and second data set names together in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets taught by Moehrle and Rochford to include the editing of the displayed content of Weber, in order to obtain selection of two data set names and two corresponding file component names for simultaneous hierarchical tree display in a history panel, displaying content of the selected file component in a panel displayed with the history panel and editing of the displayed content. One would have been motivated to make such a combination because a unified editing interface would have been obtained, as taught by Weber.

As in Claims 43 Moehrle and Rochford teach files being accessed by a developer (user creating the active path) and steps of selection of a first data set name and corresponding file component within the first data set, selection of a second data set

name and corresponding file component within the second data set, rendering a history panel that displays the selected first and second data set names and selected file components associated with the selected first and second data set names together in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets (See Claim 1 rejected supra). While Moehrle and Rochford teach selection of a first data set name and corresponding file component within the first data set, selection of a second data set name and corresponding file component within the second data set, rendering a history panel that displays the selected first and second data set names and selected file components associated with the selected first and second data set names together in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets, they fail to show the file components include source code files as recited in the claims. In the same field of the invention, Weber teaches a file components including source code accessing program similar to that of Moehrle and Rochford. In addition, Weber further teaches editing source code files being accessed by a developer (Fig. 2, ref. 2, 4). It would have been obvious to one of ordinary skill in the art, having the teachings of Moehrle and Rochford and Weber before him at the time the invention was made, to modify the selection of a first data set name and corresponding file component within the first data set, selection of a second data set name and corresponding file component within the second data set, rendering a history panel that displays the selected first and second data set names and selected file components associated with the selected first and second data set names together

in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets taught by Moehrle and Rochford to include the file components to include source code of Weber, in order to obtain selection of a two data set names and two corresponding file component names for hierarchical display in a history panel, the file components include source code files being accessed by a developer. One would have been motivated to make such a combination because an Integrated Development Environment for user's frequently used files would have been obtained, as taught by Weber.

Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moehrle, US Patent 7216301, and further in view of Rochford et al., US Patent 6633312, hereinafter Rochford and further in view of Weber, US Patent 7370281.

As in Claims 49-51, While Moehrle and Rochford teach selection of a first data set name and corresponding file component within the first data set, selection of a second data set name and corresponding file component within the second data set, rendering a history panel that displays the selected first and second data set names and selected file components associated with the selected first and second data set names together in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets, they fail to explicitly show the file components include source code files being accessed by a developer as recited in the claims. In the same field of the invention, Weber teaches a file

components including source code accessing program similar to that of Moehrle and Rochford. In addition, Weber further teaches the file components include source code files being accessed by a developer (Fig. 1, ref. 2, 4). It would have been obvious to one of ordinary skill in the art, having the teachings of Moehrle and Rochford and Weber before him at the time the invention was made, to modify the selection of a first data set name and corresponding file component within the first data set, selection of a second data set name and corresponding file component within the second data set, rendering a history panel that displays the selected first and second data set names and selected file components associated with the selected first and second data set names together in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets taught by Moehrle and Rochford to include the file components to include source code of Weber, in order to obtain selection of a two data set names and two corresponding file component names for hierarchical display in a history panel, the file components include source code files being accessed by a developer. One would have been motivated to make such a combination because an Integrated Development Environment for user's frequently used files would have been obtained, as taught by Weber.

(10) Response to Argument

Summary of References:

Moehrle teaches an interface that displays multiple data set links as seen in Fig. 4A-4C and allows the user to search within the data sets as shown in Fig. 4B. The links

(data sets) encapsulate several components, just as in a regular Hierarchy, and the user can select link names within the display to expand the hierarchy (Col. 5, lines 28-32). Once one of the links is selected, it is saved in a history panel of previously selected links in the top row of the display, and it's children are displayed in the searching panel beneath the top row panel. Once the user selects one of the child links, it is saved in a history panel of links in the top row of the display (Fig. 6A ref. 10 illustrated after selection in Fig. 6B), and it's children are displayed beneath them (Fig. 6A below ref. 10) and thereon. This concept is illustrated throughout the specification and the drawings (Fig. 4B-C, Fig. 5A-C, Fig. 6A-B).

Moehrle teaches the history panel (the top line of Fig. 5B) and search panel (lines beneath top line of Fig. 5B) are rendered concurrently in a GUI. It can be seen from the teachings of Moehrle that during the normal course of operation the user may initiate another search by returning to a previous level and repeating the steps of opening a second data set and selecting a second file component from the second data set and display a hierarchical history of browsing in the panel (ie. top line).

Rochford teaches a hierarchical file accessing system with history tracking with the history panel and search panel are rendered concurrently in the GUI (Fig. 2A and 8). In Figure 8 of Rochford, a history panel is rendered with the selected first and second data set names and selected file components associated with the selected first and second data set names are displayed together in a hierarchical arrangement to display previously and currently selected data set names and component file names of the selected data sets.

	Moehrle	**Rochford**
First selected data set	1.2.3, Selected in Fig. 4B	Toronto
First selected file component	1.2.3.4, Selected in Fig. 4B	Bank B
Search panel	Data expanded beneath the top line eligible for selection	panel corresponding to ref. 234 in Fig. 2A, 3A, 3B, etc.
History panel	top line of Fig. 5B, 4B also illustrated in 4C, 5C	Fig. 8
Second selected data set	1.2.4 shown being selected in Fig. 5B	Ottawa
Second selected file component	1.2.4.4 shown being selected in Fig. 5B	Email

In response to applicant's argument that "The cited Moehrle does not teach separate search and history panels that concurrently and separately render in the GUI the currently selected data set name and file components in the search panel and, in the history panel, display currently and previously selected data set names and file components. ", on pg. 16 of the appeal brief, the examiner disagrees. The user cannot search for data set names in the top line (the history panel) of Fig. 4B, 4C, 5B, 5C or

6B, ref. 100. They can only use selection in the History Panel to access the lines below, ie. The search panel, in order to search for a new link to select.

In response to applicant's traversal of the examiner's statement "It can be seen from the teachings of Moehrle that during the normal course of operation the user may initiate another search by returning to a previous level and repeating the steps of opening a second data set and selecting a second file component from the second data set and display a hierarchical history of browsing in the panel", on pg. 16 of the appeal brief, the examiner disagrees. This is clearly illustrated by Fig. 5B where the user has previously selected 1.0, then 1.2, then 1.2.3, then 1.2.3.4, and afterwards decided to search again. By selecting 1.2.3 in the history panel, the search panel is opened, and the user selects 1.2.4 and 1.2.4.4 and the history panel changes as seen in Fig. 5C. Each of the parent links in the Moehrle reference represent corresponding data sets of child links.

In response to applicant's argument that "the cited active links of Moehrle do not teach the claimed data set name and selected file component name of the selected data set name as claimed. Moehrle concerns displaying active links. If an active link selected is not an end link, then subordinate levels are displayed, if an end link is selected, the associated function is re-executed. (Moehrle, col. 5, line 65 to col. 6, line 21) " on page 17 of the appeal brief, the examiner disagrees. The selection of the end link in order to execute the associated function is a step that happens after the history panel is set, when the user selects the end link and is inconsequential. Parent nodes of Moehrle are named and represents groups or sets of data. Practically anything can be

considered a file component, each of the functions represented by Moehrle must be defined by a file somewhere, therefore they are a file component and are named in a way for user selection.

In response to applicant's remarks on page 17 of the appeal brief regarding the teachings of Rochford, the examiner disagrees. Rochford is introduced in order to teach missing element of Moehrle in the claims. Moehrle teaches displaying children of a selected menu item when that menu item is browsed over or selected, and a function is executed which may include display of subordinate links with descriptions or launch of a software application (Col. 5, lines 5-10). Moehrle also describes a second selection as clearly illustrated by Fig. 5B where the user has previously selected 1.0, then 1.2, then 1.2.3, then 1.2.3.4, and afterwards decided to search again. By selecting 1.2.3 in the history panel, the search panel is opened, and the user selects 1.2.4 and 1.2.4.4 and the history panel changes by replacing the first or previously selected data set name and component file name with the current or second selected data set name and component file name as seen in Fig. 5C. In this example, the user is viewing the first selected data set (1.2.3) and the second selected data set (1.2.4) along with the names of the file components associated with the second selected data set (1.2.4.1 through 1.2.4.5) in a hierarchical tree arrangement, but what is not taught here in Moehrle is that the selection of the first data set name and first selected file component name remains in the history panel after selection of the second data set name and second selected file component alongside the second or currently selected data set name and file

component rather than it being replaced by the second data set name and file component as is taught by Moehrle.

Rochford describes Fig. 8 as “an example of a history option which may be incorporated within the GUI” (Col. 3, lines 7-8). Rochford teaches a concept called layer cakes, which are a path of network features selected by the user. A running log of selected features (the layer cake Fig. 2A, 2B, 3D, 4B, ref. 207) is saved and displayed as shown in Fig. 8 (Described in Col 16 beginning on line 56). Each grouping in Fig. 8 illustrates a path of selected items dependent on the one before (Col. 17, lines 4-15). Thereby, Fig. 8 of Rochford teaches displaying a first selected data set name (Toronto) and first selected component (Bank B) along with a second selected data set name (Ottawa) and second selected component (Email) in order to allow the user not only to see the last saved path as is done in Moehrle, but to allow the user to view other previously saved paths as is taught by Rochford (Col. 17, lines 4-15). The arrangement of Fig. 8 is hierarchical in that in each grouping, represented by the vertical line designation, displays the parent at the bottom, then the first child, second child if there is one until the next grouping which repeats the pattern.

In response to the applicant's arguments regarding the history panel and search panel on page 18 of the appeal brief, the examiner asserts that not only does Moehrle teach the history panel (top line of Fig. 5B, ref. 101, 102a, 102b, 103) displayed concurrently with the search panel (encapsulated data that is expanded by request and displayed below the first line), but Rochford further illustrates the search panel (panel corresponding to ref. 234 in Fig. 2A, 3A, 3B, etc.) displayed concurrently with the history

panel (in Fig. 2A-6C, when the user clicks on the History shortcut ref. 212 it expands onto the display in the History Panel, shown in Fig. 8).

In response to the applicant's arguments regarding the rejection of Claims 2, 32 and 41, the examiner disagrees.

Moehrle teaches that the first and second data set names are displayed as a parent at a higher hierarchical level to the file components associated with the displayed first and second data set names. The highest hierarchical levels of Moehrle are placed in the upper left side of the display. Lower levels are displayed down and to the right of the selected nodes. For example, Fig. 5B, 1.2.4 is displayed first on the left most side, it's contents are displayed directly to the right of the selected 1.2.4 node. Moehrle also teaches child nodes (file components) such as 1.2.4.1 through 1.2.4.5 are displayed directly to the right of the selected 1.2.4 node and down from that point signifiying that they are children of 1.2.4.

Rochford further illustrates the hierarchical arrangement in it's own way. Selected search results are selected and saved in the Layer Cake (ref. 207), past and present Layer Cakes are displayed in the History panel (Fig. 8). Since the hierarchy panel springs from selection of the shortcut History button at the bottom panel of the display, it orders the groups of selected data sets and file components hierarchically: parent, (Toronto) then child (Bank B) then child of child (VPNS) from bottom to top. Therefore it signifies the highest hierarchical level as the name displayed first at the bottom, and the children as those displayed second in the grouping designated by the

vertical line. In this way, both Rochford and Moehrle teach the limitations of Claims 2, 32 and 41.

In response to the applicant's arguments regarding the rejection of Claims 4, 34 and 43, the examiner disagrees.

Moehrle teaches transmitting clicking on a selected data set name, to which the system responds with a display of file component names. As stated in the brief "Col. 9 mentions a data file representing the hierarchical structure of a multi-level hierarchical website is either constructed or retrieved from the server. The data file representing the information hierarchy of the location may be dynamically created from the directory structure and the hypertext markup language (HTML) available on the server and client files.", page 20. These claims do not require some of the elements argued, which are included in Claims 49-51 and rejected in view of Weber. It is noted that the features upon which applicant relies (i.e., file components, including source code files) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's arguments regarding the rejection of Claims 49, 50 and 51, the examiner disagrees.

FIG. 1, ref 2 and 4 of Weber teaches a file hierarchy subject to data set and file component selection of source code files being accessed by a developer. The system

of the combined references of Moehrle and Rochford would operate the same way whether the files were source code files being accessed by a developer or any other hierarchical system. The fact that they are source code files is a nonfunctional distinction. Even so, Weber shows a search panel of source code files in a hierarchical arrangement similar to that of Moehrle and Rochford and to be selected and manipulated. This element taught by Weber implemented in the system of Moehrle and Rochford would operate as limited by Claims 49-51.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/SARA ENGLAND/

Primary Examiner, Art Unit 2172

Conferees:

/Boris Pesin/

Supervisory Patent Examiner, Art Unit 2172

/Stephen S. Hong/

Supervisory Patent Examiner, Art Unit 2178